



## Mid-County Citizens Advisory Board (MCCAB) Meeting Summary

Mid-County Regional Services Center, 2424 Reddie Drive, Wheaton, MD

<b>Call to Order:</b>	Greg Intoccia, Chair		<b>Respectfully Submitted by:</b> Oriole Saah, Secretary			
<b>Date/Time:</b>	December 15, 2015; 7:00 PM ET					
<b>Attendees:</b>	X	Adjogah, Mensah		vacant	X	Rowden, David
	X	Bonilla, Luis	X	Neuringer, Jason	X	Saah, Oriole (Secretary)
	X	Intoccia, Gregory (Chair)	X	Newman, Rick	X	Shoenberg, Robert (Parliamentarian)
		vacant (Vice Chair)		Owusukoko, Kimberly		St. Gerard, Henriot
		Lynch, Maisie	X	Romero, Francisco	X	Tankersley, Judy
<b>Staff:</b>	Luisa Montero, Director, Mid-County Regional Services Center					
<b>Guests:</b>	Connie Latham, Boards & Commissions Beth Gocharch, Boards & Commissions Marc Hansen, Office of County Attorney Roger Manno, State Senator Katherine Mullen, Legislative Director, Senator Manno Rebecca Peele, Office of Al Carr, State Delegate					

**APPROVED**

**Call to Order and Introductory Remarks:** 7:07PM by Greg Intoccia

**Introductions, Acceptance of Agenda and Minutes**

Motion to accept agenda as amended was approved.

Motion to acceptance minutes as amended was approved.

**Community Concerns:** none raised

**Council Updates:** none available

**Old Business:** none raised

**Guest Speaker – Senator Roger Manno, District 19:**

Need to address infrastructure and transportation. Over many years of revenue write-down, always lower than projected, the Board of Public Works (Governor, Comptroller, and Treasurer) make decisions outside of budget process. This year, looking at a \$550 million surplus so the Board of Public Works process should not be activated.



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Maryland needs to spend on infrastructure: create a regional collaborative effort. Example: grade separation at Georgia & Norbeck. Recommendations to the Governor are made by the County Executive, in conversation with the County Council, and State elected officials are left out of the process.

- Question: Funding for school construction?
  - Not enough allocated – need to hyper focus on school construction. Leggett forwarded funding projects requests. State needs to redirect funds to Montgomery County schools. Who pays for growth? Montgomery County needs to re-evaluate Impact Taxes so that developers help pay for schools and roads needed for growth.
- Question: (1.) What was the impact of revenue & job creation of Federal stimulus? (2.) What is the current level of unfunded liabilities? What is our current ability to pay? Rating agencies rate debt ratio as well.
  - In 2001, change in pension funding from actuarial to magical “corridor funding.” Lost funding balances (siphoned off). Recently revised goal is 80% funding of obligations. Meeting goal is years away. Also affected by poor fund management, high expenses, and poor returns.
- Question: Was funding for teacher pensions shifted to counties?
  - Part of it was. Most states use defined contributions but Maryland resisted. Paying more than strictly required. Sweeper Amendment – 50% of overage goes to pensions
- Education – Maintenance of Effort (MOE) – can’t reduce funding per pupil once raised
  - How do you cuts per pupil funding with growth? State needs to fund projects.
- Are we funding public schools at the expense of higher education?
  - Counties were offered the opportunity to raise their piggy back taxes but did not.
- Why not get rid of MOE?
  - Counties can use the appeal process if they feel the need to reduce MOE. Manno is not backing off of commitment to K-12 education.
- Independent Transpiration Authority – how do you hold non-elected officials accountable?
  - Need to tax the developers. Manno does not support the ITA. We are losing political leadership at the Federal level with Mikulski and Van Hollen leaving leadership positions. Need shared leadership (i.e., Frederick). Competing with Virginia.

**Guest Speaker – Connie Latham and Beth Gocharch of Boards & Commissions AND Marc Hansen, Office of the County Attorney:**

The process for filling Board vacancies is detailed in the policies and procedures. There is a staff of two supporting the process so slowness is inevitable. There are multiple boards and commissions requiring support with filling vacancies. Staff does realize that vacancies can lead to issues with reaching quorum during meetings.



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The County Executive makes the decisions about who is named to Boards. Board members select, through an interview process, who is nominated for MCCAB. The Board staff double checks that nominations are correct for placement on the particular Board in question and send the nominations to the Executive. Nominations advance to the County Council for confirmation. Reappointments go through the same process. As do requests for waivers regarding membership status.

- Question: How many people who are eligible reappointments are not reappointed?
  - “Quite a few.” Declined to give a specific number or estimate a percentage of reappointments each year.
- MCCAB does not give input on reappointments. But the body has a stake in its own membership and negative decisions on reappointment have an impact on the function of the Board.
  - Some Boards do give input. The Executive can deny a reappointment and is likely to do so if someone is “chomping at the bit” to hold that spot.
- The choice of denying the recent reappointment is the same as a “black ball” and was not transparent in the way it was handled.
  - Boards do give input on reappointments, same as on new appointments, by submitting the name in order of preference in the letter submitted to the Executive (this was news to MCCAB members present). The Executive preferred Person A (new to the Board) over Person B (note: no alternative was presented in the situation under discussion).
- No transparency and no communication with the Board once the decision was made. Chair was not informed that the reappointment was denied. Member learned when his name was not among those sent to the Council for confirmation.
  - The process is the opposite of transparent; it is designed to be confidential.
- The delay, plus the removal of possible leadership, hampers and frustrates the efforts of the Board to complete its mission.
  - Ms. Latham asked what the alternative would look like.
  - Proposal by Chair: Staff calls the chair and asks what impact the removal of the member would have on the function of the Board. Reports this input to the Executive. This process would give the Board an opportunity to respond and/or adjust to the change of expected membership.
- How uniform are the Boards, procedurally? How independent are members from other agencies (example of civilian board monitoring speed cameras influence by police agencies).
  - Marc Hansen – all Boards, Committees, & Commissions of the county are subject to County code – all take formal actions, all are subject to Robert’s Rules of Order. Can adopt By Laws but can’t alter their charters. If you want to develop By Laws, please send them to the Office of the Attorney for review.
  - General terms of qualification – each body has a charter. CABs were created in the 70s by County Council legislation. Minority views of the community are encouraged and should be represented. They are the eyes and ears of the government to hear from the community.
- Is there a uniformity of independence?
  - Nobody is interested in an echo chamber.
- Are vacancies filled only one time per year? What happens when vacancies occur due to resignations?



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- Do both – send names in priority order. Once names are submitted, the Board can use the same list for up to a year from the deadline date of the initial posting.

### **Director Report**

- Parking lot (Lot 13) closure – will send notices as needed
- Financial Assistance bill passed last week.
  - The maximum per business is \$75,000
  - Business must demonstrate negative impact from the construction
  - Approximately 100 businesses contacted in person
- Wheaton Regional Library – tentative closing mid to late February. Looking for alternative interim space in Wheaton for satellite services.
- Aspen Hill Library will close approximately May 1 (depends on permits) for refresh and will remain closed for five months
  - Twinbrook expected to reopen in January
  - Kensington expected to reopen in March
  - Olney is open now
- Arts & Entertainment – proposal is due April 1 to renew designation. Extending area of the designation to include the new library/community center
- BRT meeting – January 20

### **Committee Reports**

#### Quality of Life

- The Board asked the Quality of Life Committee to revise (and shorten) the memo to Mr. Leggett expressing Board concerns about Board membership. A memo approved by the Committee for review by the Board is attached.

There was a lively discussion of the letter and at least two dissenting voices about some contentment of the letter now before the Board.

There was no objection to the first three paragraphs of the letter, the purpose of which is to request more timely attention to filling Board vacancies.

There was strong objection from newer members to the second issue, the two final paragraphs that address the unexpected decision not to reappoint a sitting member who had applied for reappointment. The argument was made that appointments are the prerogative of the County Executive and not subject to review or response by the Board itself.

Longer-serving members argued equally as vociferously in favor of retaining the second point as an important part of the message. The question was raised about why the Board cannot ask that decisions such as these be made or shared "in sunshine" (to promote transparency in government) and that communication to the Board and the Board Chair be timely and clear. In this case, neither the Chair nor the affected member were notified prior to the list of recommended appointees being forwarded to the County Council for approval. The purpose of the CABs (Citizen Advisory Boards) is to advise the County Executive and County Council on issues of importance to the citizens of a given portion of the county. The Charter does not exclude the Board from giving advice on its own



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membership and appointment decisions that affect the functioning of the Board. Additionally, there some members felt a need to assert that the situation discussed in the second point of the letter is a matter of respect for the Board and the time and hard work members provide on a voluntary basis for the good of Montgomery County citizens and our government. Mensah provided an example of ECCAB (East County) members advocating to Mr. Leggett about one particular member and winning a third consecutive term for that member in spite of the Charter language specifying that no member could serve more than two consecutive terms. So there is precedent to support a CAB speaking or advising on issues relating to its own membership composition and issues related to appointments to the Board.

- Motion to omit paragraph number five and six, seconded by Rick Newman
  - 2 voted in favor
  - 6 voted against
  - 2 abstained
  - Motion failed
- Motion to adopt letter with technical modifications
  - 6 voted in favor
  - 2 voted against
  - 2 abstained
  - Motion carried. Letter will be edited and sent.

### Land Use, Zoning, & Transportation

- Independent Transportation Authority – committee is opposed to the idea of the ITA, which is not currently an active proposal but which we expect to be raised again. Planning to invite as a speaker Mr. Parsons from Suburban Maryland Transportation Alliance. Group favors a more regional approach to issues.
- BRT – Mensah is currently a member of the Views Mill CAC and will ask Denise Watkins to present about the BRT.

### Liaison Reports

Department of Permitting – Judy agrees to serve as liaison.

Olney Town Center Advisory Committee –

- GOCA Transportation Committee conducted a commuter survey. A significant number travel within the county and stay in their car. If they go to DC they go to a metro station.
- GOCA also supporting CIP request for feasibility study of town center.
- Olney needs small rights-of-way (alleys) connected but property owners don't want development along them

PEPCO Community Group – no reconvened.

WUDAC – liaison not present.



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### New Business

- Retreat planned for 1/7/16 from 6:30 to 9:30 with light dinner.
  - Getting to Know exercise
  - Issues to watch
  - What worked in the past?
- Election of Vice Chair
  - Francisco Romero, Dave Rowden, Rick Newman nominated
  - Francisco Romero elected
- Public safety – recent homicide in Aspen Hill. Homicides increased 137% in 2014. Jason Neuringer wants to bring back monthly reports by police.
- Vacancies
  - Currently two
  - December 31 is the deadline to apply
  - Nominating committee – let Greg know if you're interested
  - Plan to begin interviews in first two weeks of January

*Adjournment: Motion to adjourn meeting approved at 9:15 pm.*